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CONCRETE, INC. and N.M.N. CONSTRUCTION, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LARGO CONCRETE, INC., a California
Corporation; N.M.N. CONSTRUCTION,
INC., a California Corporation.

Plaintiffs,

v.

LIBERTY MUTUAL FIRE
INSURANCE COMPANY, a
Massachusetts Corporation, and DOES 1
through 100, inclusive.

Defendants.

AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)
The Hon. Charles R. Breyer

STIPULATION AND NOTICE OF:

**1. CONTINUED HEARING ON
LIBERTY MUTUAL'S MOTION
TO DISQUALIFY ROXBOROUGH,
POMERANCE, & NYE, LLP;**

Current Hearing Date: 12/14/07
Proposed New Hearing Date: 12/21/07

Complaint filed: September 10, 2007
[Pursuant to Civil L.R. 7-7]

Pursuant to *Civil Local Rules 7-7* and 7-12 Plaintiffs/Counter-Defendants
LARGO CONCRETE, INC. and N.M.N. CONSTRUCTION, INC ("Largo") and
Defendant/Counter-Claimant LIBERTY MUTUAL FIRE INSURANCE COMPANY
("Liberty"), by and through their counsel, this Stipulation is entered into with respect to
the following facts:

1 WHEREAS, on October 23, 2007, Liberty filed a Motion to Disqualify
2 Roxborough, Pomerance & Nye, LLP from representing Largo in this matter;

3 WHEREAS, Liberty's motion is currently set for hearing before this Court on
4 December 14, 2007;

5 WHEREAS, the parties are working together to conduct the depositions of
6 individuals providing evidence regarding the issues raised in Liberty's Motion to
7 Disqualify Roxborough, Pomerance & Nye, LLP from representing Largo in this matter;

8 WHEREAS, Lisa Kralik Hansen, an individual providing a declaration in support
9 of Liberty's motion, is unavailable to appear for deposition until the week of November
10 26, 2007;

11 WHEREAS, Largo desires to take the deposition of Lisa Kralik Hansen prior to
12 filing their Opposition to Liberty's Motion to Disqualify Roxborough, Pomerance &
13 Nye, LLP from representing Largo in this matter;

14 WHEREAS, Liberty may need to depose the individuals who provide declarations
15 in support of Largo's Opposition to Liberty Motion to Disqualify, prior to the filing of its
16 Reply Brief

17
18 For these reasons, IT IS HEREBY STIPULATED by the parties, through their
19 respective counsel of record, that the Court enter an Order as follows:

20 A. The hearing on Liberty's Motion to Disqualify Roxborough,
21 Pomerance, & Nye, LLP currently scheduled for December 14, 2007 at 10:00 a.m. in
22 Courtroom 8 of this Court is continued to December 21, 2007 at 10:00 a.m. in
23 Courtroom 8 of this Court.

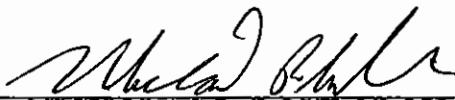
24 B. The date upon which Liberty must file and serve their Reply Brief to
25 Largo's Opposition is extended to December 14, 2007.

26 C. This Initial Case Management Conference currently scheduled for
27 December 14, 2007 at 10:00 a.m. in Courtroom 8 of this Court is continued to December
28 21, 2007 at 10:00 a.m. in Courtroom 8 of this Court.

1 IT IS SO STIPULATED.


2 DATED: November 20, 2007

ROXBOROUGH, POMERANCE & NYE LLP

3
4 By: 
5 NICHOLAS P. ROXBOROUGH, ESQ.
6 MICHAEL L. PHILLIPS, ESQ.
7 Attorneys for Plaintiffs/Counter-Defendants,
8 LARGO CONCRETE, INC. and N.M.N.
9 CONSTRUCTION, Inc.

10 DATED: November 20, 2007

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

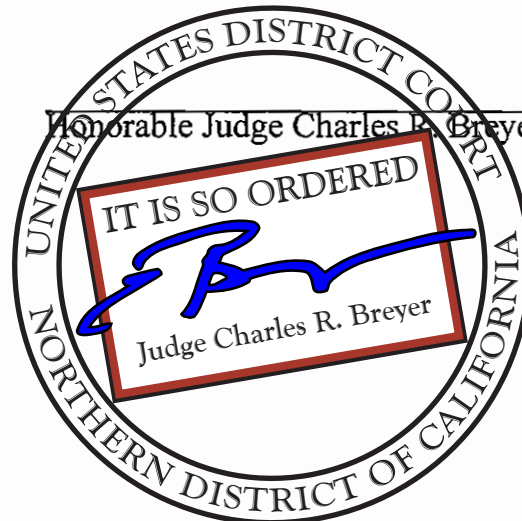
11 By: 
12 FRANK FALZETTA
13 Attorneys for Defendant/Counter-Claimant
14 LIBERTY MUTUAL FIRE INSURANCE
15 COMPANY

16 ORDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED

18 DATED: November 26, 2007

19 Honorable Judge Charles R. Breyer



PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 5820 Canoga Avenue, Suite 250, Woodland Hills, California 91367.

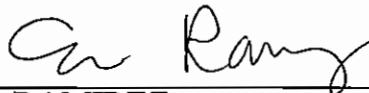
On November 20, 2007, I served the foregoing documents described as **STIPULATION AND NOTICE OF CONTINUED HEARING ON LIBERTY MUTUAL'S MOTION TO DISQUALIFY ROXBOROUGH, POMERANCE & NYE, LLP** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Frank Falzetta, Esq.
Scott Sveslosky, Esq.
**SHEPPARD MULLIN RICHTER &
HAMPTON LLP**
333 South Hope Street, 48th Floor
Los Angeles, CA 90071-1448
Tel: (213) 620-1780 | Fax: (213) 620-1398
Email: ffalzetta@sheppardmullin.com
ssveslosky@sheppardmullin.com

ATTORNEYS FOR DEFENDANT
LIBERTY MUTUAL FIRE INSURANCE
COMPANY

- ☒ **BY ELECTRONIC MAIL:** I caused such documents listed above to be transmitted via e-mail to each of the parties on the attached service list at the e-mail address as last given by that person on any document which he or she has filed in this action and served upon this office.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the offices of the each addressee(s).
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 20, 2007, at Woodland Hills, California.



ELIA RAMIREZ